

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GOLETHA KERENIA BURDEYTE,

Defendant-Appellant.

UNPUBLISHED

November 30, 2004

No. 250025

Wayne Circuit Court

LC No. 02-009517-01

Before: Meter, P.J., and Wilder and Schuette, JJ.

MEMORANDUM

Defendant appeals as of right from her jury trial conviction for malicious destruction of property (building of another with destruction valued at \$1,000 or more but less than \$20,000), MCL 750.380(3)(a). Defendant was sentenced to two years' probation. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues on appeal that the prosecution failed to present sufficient evidence to support her conviction. We disagree.

"[W]hen determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

"To be convicted of malicious destruction of property, a defendant must have intended to injure or destroy the property in question." *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999). "Intent may be inferred from all the facts and circumstances." *Id.*

The evidence showed that defendant was very upset after having been evicted from her home. She was seen breaking and entering the house with a pry bar. The landlord testified that there was no damage to the house before defendant broke into it but that there was over \$1,000 of damage to the doors and doorjambs after defendant had finished retrieving her belongings from inside. Giving deference to the jury's determination of the weight and credibility of the evidence, and viewing the evidence in the light most favorable to the prosecution, it is reasonable to infer that defendant caused over \$1,000 damage to the house with the requisite intent. We

conclude that the prosecution presented sufficient evidence from which a rational jury could find defendant guilty beyond a reasonable doubt. *Johnson, supra*, 460 Mich 723.

Affirmed.

/s/ Patrick M. Meter

/s/ Kurtis T. Wilder

/s/ Bill Schuette